IN RE: PETITION FOR RESIDENTIAL \* BEFORE THE

ZONING VARIANCE

S/S Willow Road, 240 ft. E of

c/l Gum Road

1323 Willow Road

12th Election District

7th Councilmanic District

John W. Maatta
Petitioner

\* BEFORE THE

ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 91-358-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \* \* \*

The Petitioner herein requests a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.3 Baltimore County Zoning Requiations (B.C.Z.R.), to permit the height of an accessory building (1-1/2 story frame garage) to be 22 feet in height in lieu of the required 15 ft., more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for a Residential Variance, the subject property, known as 1323 Willow Road, improved with a single family detached home, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner is requesting a variance to permit the height of an accessory building (1-1/2 story frame garage) to be 22 feet in height in lieu of the required 15 ft.

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

**AFFIDAVIT** 

in support of residential zoning variance

91-358-A

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at \_\_\_\_\_

That based upon personal knowledge, the following are the facts upon which I/we base the request for

for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a

I HEREBY CERTIFY, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, a
Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made

oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

reposting and advertising fee and may be required to provide additional information.

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

Baltimore County, as follows:

AFFIANT (Printed Name)

#1323 Willow Road Dundalk, MD 21222

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

The Mark Mark Mark Contract

of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

regard thereto.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow or cause the garage or accessory storage structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. The subject garage and accessory storage structure shall not have any running water or public sewer connections and shall be strictly employed as a storage facility for personal property of the property owner of 1323 Willow Road.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

A. Robert Haines

Zoning Commissioner

for Baltimore County

ORDER RECEIVED FOR Date

352

ZONING DESCRIPTION

91-358-A

BEGINNING FOR THE SAME at a point on the southernmost side of Willow Road, as laid out 50 feet wide, said point being distant 808.62 feet more or less measured in a southwesterly direction along the abovementioned side of Willow Road from a point where the projection thereof would intersect the centerline of Old North Point Road, the paving of said Old North Point Road being 22 feet wide. Being Lot No. 45 as shown on the Plat of Northshire as recorded among the Land Records of Baltimore County in Plat Book Liber No. 14, folio 29, containing 0.244 acres of land more or less (10,628.64 square feet more or less). Said property being known and designated as No. 1323 Willow Road and located in The Twelfth Election District of Baltimore County, Maryland.

EDWIN J. KIRBY, JR.
REGISTERED RROFESSIONAL LAND SURVEYOR,
No. 5481

CERTIFICATE OF POSTING

200000 DEPARTMENT OF BALTIMORS COUNTY

Townson Mandand

rict 12th	Date of Posting 11/3/9/
tioner: John W. Maatig	
1303 Willow Rd. 7110	'If Gon Re
1303 Willow Rd	751 6 40 1
n pe porty of Petitions	- 700 d win
Mrks:	*************************************
od by Miliales	Date of return: 4/2/4

111 West Chesapeake Avenue
Towson, MD 21204

April 30, 1991

Mr. John W. Maatta
1323 Willow Road
Baltimore, Maryland 21222

RE: Petition for Residential Zoning Variance
Case No. 91-358-A

Dear Mr. Maatta:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in

Baltimore County Government

Zoning Commissioner
Office of Planning and Zoning

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours.

J. Robert Haines
Zoning Commissioner

JRH:mmn
encl.
cc: Peoples Counsel

Baltimore County

Zoning Cammisioner
County Office Building
13 West Campain Arease
Travasa, Maryland 21204

Debt 3/22/10

Debt 3

## PETITION FOR RESIDENTIAL VARIANCE

To THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

9/-358-A

The undersigned, legal owner(s) of the property situate in Beltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.3 to permit the height of an accessory building (12 story frame garage) to be 22 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

1. The petitioner desires to erect a 1½ story frame two car garage. The upper level would be used solely for storage purposes. This added storage space would contribute to the comfort and convenience of the owners of this property.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

<u>in lieu of the required 15 feet</u>

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	<pre>1/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.</pre>	
Contract Purchaser:	Legal Owner(s):	
Type or Print Name)	(Type or Print Name)	
ignature	Signature ()	
ddress	(Type or Print Name)	
Ity/State/Zip Code	Signature 39	
ttorney for Petitioner:	1323/11/1/ Rd 4 274-355	
Type or Print Name)	Address Phone Dundally Add 2,1222	
1gnature	City/State/Zip Code	
ddress	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.  (wk) 388-7798  John W. Maatta (hm) 284-3533	
ttorney's telephone number	Name 1323 Willow Road, Dundalk, MD 21222	
	Address Phone	

DRDERED by the Zoning Commissioner of Baltimore County, this 22 day of MARCH, 19 71, that the subject matter of this petition be posted on the property on or before the 3 day of ARTIL, 19 71.

ZONING COMMISSIONER OF BALTIMENE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o¹clock,

21/ 1002 1004 400104 21/100 00110114 21/ 1000014 00111011	
<sup>.</sup>	
ROER RECEIVED FOR FILING	
in .	ZONING COMMISSIONER OF BALTIMURE COUNTY

Baltimore County Government Zoning Commissioner Office of Planning and Zoning	
Office of Frankling and Zoning	

111 West Chesapeake Avenue

March 28, 1991

John W. Maatta 1323 Willow Road Dundalk, Maryland 21227

Towson, MD 21204

Re: CASE NUMBER: 91-358-A LOCATION: 91-358-A LOCATION: 5/S Willow Road, 240' E of c/l Guza Road 1323 Willow Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 3, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is April 18, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

. G. Stephens

Tile Cop1

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

April 9, 1991

Mr. John W. Maatta 1323 Willow Road Baltimore, MD 21222

> RE: Item No. 352, Case No. 91-358-A Petitioner: John W. Maatta Petition for Residential Variance

Dear Mr. Maatta:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Your petition has been received and accepted for filing this

. ROBERT HAINES

Received By:

ZONING COMMISSIONER

Zoning Plans Advisory Committee

111 West Chesapeake Avenue Towson, MD 21204

18th day of April, 1991.

Petitioner: John W. Maatta

Petitioner's Attorney:

887-3353

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building

700 East Joppa Road Suite 901

Towson, MD 21204-5500

RE: Property Owner: JOHN W. MAATTA

Location:

Towson, MD 21204

Item No.: 352 Zoning Agenda: APRIL 2, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

#1323 WILLOW ROAD

Baltimore County Government

APRIL 3, 1991

(301) 887-4500

Fire Department

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Approved The Prevention Bureau Special Inspection Division

JK/KEK

received

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1991
FROM B Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for April 2, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 349, 350, 351, 352, 353 and 354.

For Items #9, Cycle IV (R-91-115) and 355, a County Review Group Meeting may be required for each site.

For Item 289, the site is subject to comments by the Maryland State Highway Administration.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:8

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines DATE: April 15, 1991

Zoning Commissioner

FROM:

J. James Dieter

SUBJECT: 1323 Willow Road
Petition for Zoning Variance

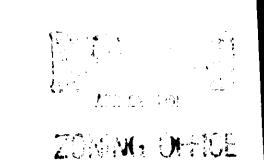
An office review by a representative of the Environmental Impact Review Division indicates that the proposed structure falls within the Forest Buffer. We therefore recommend that the zoning variance be denied until the applicant has applied for and has been granted a variance from the Forest Buffer requirements. If the variance is granted, this the Forest Buffer no problem with the issue of height of the building.

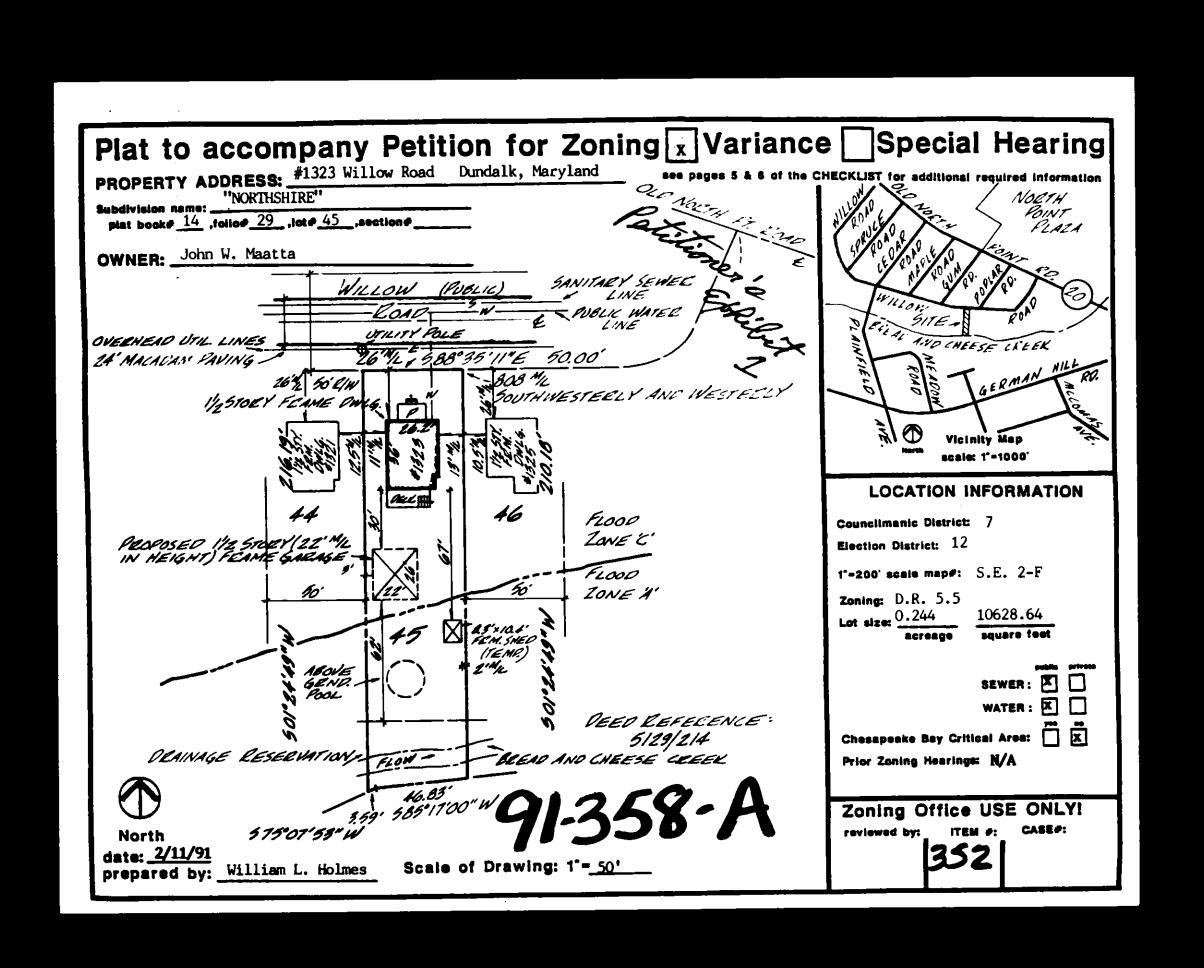
If you have any questions regarding this matter, please contact Mr. Steve Stewart at extension 3980.

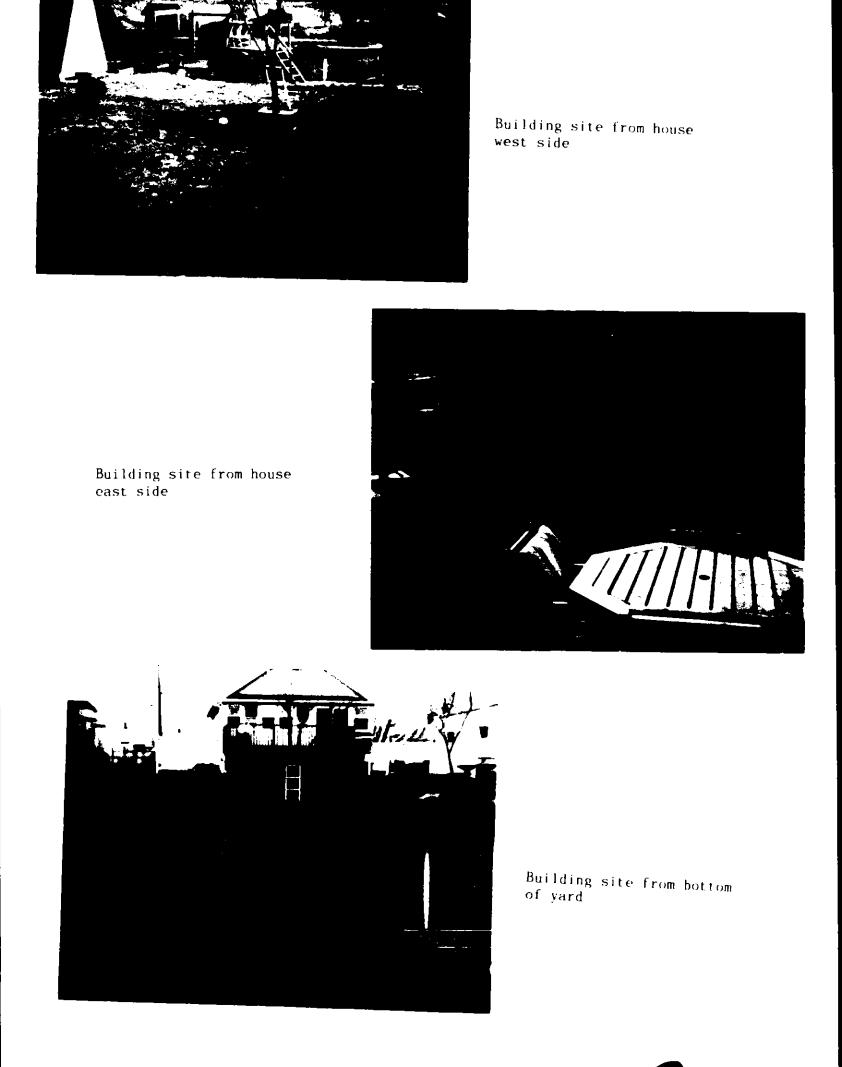
J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:SS:sp

cc: Mr. Steve Stewart







CASE NUMBER 91-358-A

PETITIONER'S EXHIBIT # 2

